

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNION ELECTRIC COMPANY        )  
d/b/a AMERENUE,                )  
                                   )  
Plaintiff,                      )  
                                   )  
vs.                              )          Case No. 4:05CV1828 CDP  
                                   )  
HENKELS & McCOY, INC. and    )  
LIBERTY MUTUAL INSURANCE    )  
COMPANY,                      )  
                                   )  
Defendants.                   )

**MEMORANDUM AND ORDER**

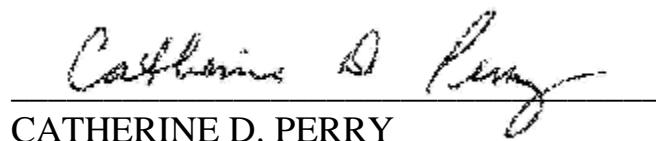
Before me is defendants' motion to amend my June 20, 2006 Order and vacate the award of expenses to plaintiff. In that Order, I instructed defendants to reimburse plaintiff for the reasonable expenses, including attorney's fees, it incurred in attending the June 5, 2006 depositions, as well as the costs and fees associated with the plaintiff's motion to strike. At the time of my decision, defendants' had failed to offer any justification for their seemingly evasive conduct.

In the present motion, defendants explain that their conduct is excusable due to several significant personal and medical complications experienced by their lead counsel during the relevant time period. Plaintiff has not responded to defendants' motion, and its time for doing so has expired. With this new information before me,

I agree with defendants that an award of expenses is unjust.

Accordingly,

**IT IS HEREBY ORDERED** that defendants' motion to amend the Court's June 20, 2006 Order [#13] is granted and that portion of the Order awarding expenses, costs, and fees, to plaintiff is vacated.



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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of July, 2006.